UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JOHN DISCOLA,   :
                              Plaintiff,   :
                                                     :
            v.   : Docket No.
                                                     : 2:24-CV-655-wks-kjd
                                                     :
NICHOLAS DEML et al.,   :
                              Defendants.   :

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed May 23, 2025. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this

Court ADOPTS the Magistrate Judge's recommendations in full.

IT IS HEREBY ORDERED that the Plaintiff's claims under § 1983 for money damages against all Defendants in their official capacities is DISMISSED. In addition, Plaintiff's claims for money damages against Defendant Nicholas Deml in his individual capacity is also DISMISSED. Also, Plaintiff's claims against Defendants in their individual and official capacities for money damages under LUIPA are DISMISSED. It is further ordered that any RLUIPA claim Plaintiff may be asserting against Defendant Deml is DISMISSED because Plaintiff has not adequately alleged Commissioner Deml's personal involvement in the alleged infringement of his rights under RLUIPA.

Finally, it is here by ordered that Case No. 2:24-cv-657 (docketed in Vermont Superior Court as No. 24-CV-1247) is hereby REMANDED to Vermont Superior Court.

Dated at Burlington, in the District of Vermont, this 27th day of June, 2025.

/s/ William K. Sessions III
William K. Sessions III
District Court Judge